



COUNTY OF SAN BERNARDINO
STANDARD PRACTICE

NO 12-1.12

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APPROVED

DEPARTMENT

BEHAVIORAL HEALTH

SUBJECT

CHILD ABUSE REPORTING PROCEDURES

Rudy Lopez
Rudy Lopez, Director

I. PURPOSE

To insure that all suspected child abuse is reported in accordance with Section 2.5 of the California State Penal Code

II. POLICY

As the result of state law, (Article 2.5 of the Penal Code), a staff member of the department, including child care custodians, medical practitioners or non-medical practitioners has the legal duty to report any incidents of child abuse that he or she has knowledge of or reasonably suspects. The above categories include, but are not limited to, licensed day care workers, administrators of community care facilities licensed for the care of children, employees of child care institutions, group home personnel, personnel of residential care facilities, social workers, physicians, psychiatrists, psychologists, registered nurses, marriage, family, and child counselors.

III. DEFINITIONS

"Child abuse" which requires a report means (a) a physical injury inflicted by other than accidental means on a child by another person; (b) sexual abuse of a child; (c) "willful cruelty or unjustifiable punishment of a child" as defined in PC 273a; (e) "unlawful corporal punishment or injury" of a child, as defined in PC 273d; (e) neglect of a child; and (f) abuse of a child in out-of-home care. "Child abuse" does not include injury occurring in mutual affrays between minors, or injury inflicted by peace officers in the legitimate pursuit of their duties.

IV. PROCEDURES

- A. Any staff member, as defined above, who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment who he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to EITHER a child protective agency OR to law enforcement immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.
- B. Both the telephone report and the written report are to be documented on the standard state form SS 8572 (Revised 1/93), "Suspected Child Abuse Report".

- C. Verbal and written reports should be addressed to the law enforcement agency or the Child Protective Service Office having jurisdiction where the abuse is alleged to have occurred. Exception: All child abuse incidents occurring at group homes shall be reported to the Child Protective Services' main office, 1-800-827-8724.
- D. If there appears to be an immediate risk to the minor; the nearest local law-enforcement agency should also be contacted by telephone as soon as circumstances permit.
- E. State licensed group homes shall also report all incidents of child abuse to the Community Licensing Agency as soon as circumstances permit.
- F. The reporting duties are individual and no supervisor or administrator may impede or inhibit said reporting duties and no person making such a report should be subject to any sanction for making such a report.
- G. No mandated reporter reporting a suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by Article 2.5 of the Penal Code. However, any person who fails to report as required by this article, an instance of child abuse which he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor which is punishable by confinement in the County Jail or by a fine of not more than \$500 or both.
- H. All actions taken by staff shall be documented in the patient's medical record. A copy of the report form shall be filed in the legal section of the chart.

REFERENCES:

California Penal Code, Article 2.5, Section 11166 through 11167 and Section 11172.

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